

THE CITY OF NORFOLK



To the Honorable Council
City of Norfolk, Virginia

February 8, 2022

From: Richard Broad
Director of Public Works

Subject: Encroachment at 537 Pembroke
Avenue

Reviewed:

Ward/Superward: 2/6

Patrick Roberts, Deputy City
Manager

Approved:

Dr. Larry H. Filer II, City Manager

Item Number: C-1

I. **Recommendation:** Adopt Ordinance

II. **Applicant:** Catherine Kilduff and David Kilduff
537 Pembroke Avenue
Norfolk, Virginia 23507

III. **Description:**

This agenda item is an ordinance permitting Catherine Kilduff and David Kilduff to encroach with an electrical vehicle charging receptacle in the right of way at 537 Pembroke Avenue.

IV. **Analysis:**

An encroachment is an object or structure that infringes into the City of Norfolk's (the "City's") rights-of-way or property. *Norfolk City Code*, § 42-10, requires all encroachments into the rights-of-way to be approved by City Council. The encroachment will allow Catherine Kilduff and David Kilduff to formally encroach into the right of way at 537 Pembroke Avenue with an electrical vehicle charging receptacle.

V. **Financial Impact:**

General liability insurance with a limit of not less than \$500,000 each occurrence, \$1,000,000 general aggregate, that shall cover liability arising from premises and/or

operations directly associated with this encroachment and listing the City of Norfolk as an additional insured has been provided.

VI. Environmental:

There are no known environmental concerns associated with this action.

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, Department of Transit, City Planning, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Architectural Review Board approved.

IX. Coordination/Outreach:

This letter and ordinance have been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material:

- Exhibit A to Ordinance (PDF)



MEMORANDUM

TO: Norfolk City Council

CC TO: Richard Broad, Director of Public Works; George Homewood, Director of Planning

FROM: Dr. Chip Filer, City Manager

SUBJECT: Charging Receptacle Device for Electric Vehicle

DATE: February 8, 2022

City staff received a request from a homeowner to install a receptacle device in the right of way to charge an electric vehicle. In this case the homeowner's vehicle charger did not allow an extension by cord. Since the charging device is the industry standard, this request was seen as a first of many as electric vehicle use expands nationwide. Staff also viewed this as an opportunity to explore options for Saint Paul's Revitalization, Phase 1 Church Street Streetscapes and NEON Streetscapes.

This device was reviewed and approved by Architectural Review Board and staff will recommend the approved device as the accepted standard to those that apply in the future. If the homeowner proposes another device, Architectural Review Board will be required. Currently, the encroachment process is required for City Council to formally grant permission for placement of any object in the right of way including this charging receptacle device (Section 42.10b). City Council could pass an ordinance allowing installation of the approved device via this process and a permit. The ordinance would resemble the parklet ordinance that is used for streateries (Section 42.12-1).

City Code Section 42.10b: "It shall be unlawful for any person to affix, place, erect, maintain, post or attach or cause or allow to be affixed, placed, erected, maintained, posted or attached any sign, banner, poster, sticker, post, light bay or other window, shed, porch, portico, door, platform, step, ***or any other object or thing of any form or nature whatsoever in or on any right of way, street, alley or land of the city without authorization of council, unless otherwise authorized by law or ordinance.***"

Code Section 42.12-1: ***Installation of parklet requires a permit.***

Form and Correctness Approved: *BAP*

Contents Approved:

By: _____
Office of the City AttorneyBy: _____
DEPT. Public Works

NORFOLK, VIRGINIA

Ordinance No.

AN ORDINANCE GRANTING CATHERINE KILDUFF AND DAVID KILDUFF PERMISSION TO ENCROACH INTO THE RIGHT-OF-WAY AT 537 PEMBROKE AVENUE WITH AN ELECTRICAL VEHICLE CHARGING RECEPTACLE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Catherine Kilduff and David Kilduff (the "Kilduffs") to encroach into the right-of-way at 537 Pembroke Avenue with an electrical vehicle charging receptacle, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, the Kilduffs, or their successors and assigns, shall immediately remove the encroaching structure.
- (2) That upon the removal of the encroaching structure or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That the Kilduffs, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$500,000.00 each occurrence and \$1,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or the

Kilduffs, and their successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of property resulting from the installation, maintenance, or existence of said encroaching structure, with evidence of such insurance being provided to the City.

- (4) That the City shall not be responsible for any damage to the encroaching structure, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 537 Pembroke Avenue.

Section 2:- That the failure of the Kilduffs, or their successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by the Kilduffs, and their successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

Attachments:

Exhibit A - Encroachment (5 pages)

D. Patrick and Catherine Kilduff, 537 Pembroke Ave.



Photo of 537 Pembroke Ave., Norfolk, VA (house on the right). The white arrow pointing to the verge indicates placement of the outlet.

Wiremold 2-Gang Black Outdoor Ground Box Assembly, 20 Amp Duplex Receptacles



APPROVED

By Sophia Latz at 12:37 pm, 11/10/21

Color/Finish: **Black**

Wiremold 2-Gang Black Outdoor Ground Box Assembly, 20 Amp Duplex Receptacles



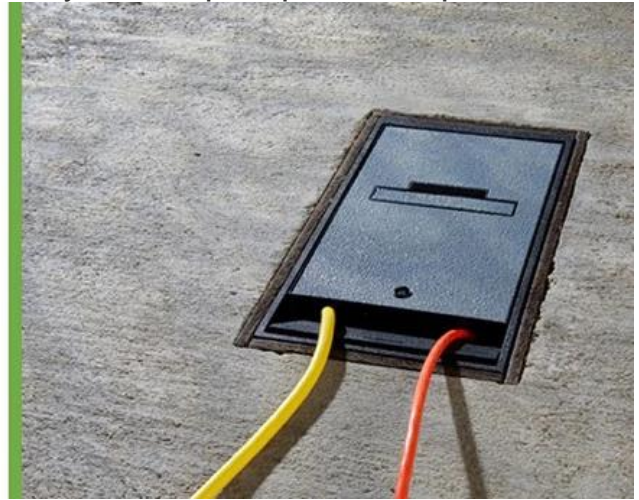
APPROVED

By Sophia Latz at 12:37 pm, 11/10/21

Attachment: Exhibit A to Ordinance (Encroachment at 537 Pembroke Avenue)

Wiremold 2-Gang Black Outdoor Ground Box Assembly, 20 Amp Duplex Receptacles FLUSH TO THE FINISHED GROUND.

The buried box can be made flush with any surface, grass, walkways (brick, pavers, concrete, etc). Reduces trip hazards and allows it to blend in with its surroundings. They also meet all specifications for ADA guidelines and compliance.



APPROVED

By Sophia Latz at 12:37 pm, 11/10/21



MODULAR DESIGN.

Boxes are designed to interlock allowing endless number of boxes in the same location. Provides service separation, everything in one location, and easier installation. They also include a tamper-resistant lock to prevent unauthorized access.

Wiremold 2-Gang Black Outdoor Ground Box Assembly, 20 Amp Duplex Receptacles

CLEVER DESIGN THAT WEATHERS THE ELEMENTS

The Outdoor Ground Box brings the convenience of safe, permanent power to any outdoor setting with a clean, seamlessly integrated design. It's built with UV-resistant material that can stand up to the harshest weather conditions. And its ANSI/SCTE 77 Tier 5 rating means it can withstand a 5,000 pound load, so groundskeeping tractors and mowers are no problem.

HIGHEST SAFETY RATINGS

Thanks to its diving bell-inspired design, it's the first UL-rated while in use in-ground box that provides permanent power and is always "on." It's also the first outdoor-rated ground box equipped with a NEMA 6P wiring enclosure and rated for wet locations.



Its NEMA 6P & IP68 Rated "diving bell" design traps and maintains an air pocket, keeping connection points safely away from wet weather.

APPROVED

By Sophia Latz at 12:37 pm, 11/10/21